

December 3, 2001

Magalie Roman-Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554



**Re: Notice of *Ex Parte* Presentation
ET Docket No. 98-206**

Dear Ms. Salas:

In accordance with Section 1.1206(b)(2) of the Commission's rules, this letter memorializes a November 30, 2001 meeting pertaining to Docket 98-206. Andrew Jay Schwartzman of Media Access Project (MAP) and Gene Kimmelman of Consumers Union made presentations to Monica Shah Desai, Legal Advisor to Commissioner Martin in support of prompt grant of the Northpoint application in this proceeding.

The principal point made during the meeting was that Messrs. Schwartzman and Kimmelman support the Northpoint application based on their understanding that the Commission would place the financial burden on Northpoint to bear the cost of all such modifications to customers' reception equipment as may be needed to assure the DBS customers receive continued service without technical degradation. They noted that, while DBS operators would have to manage such adjustments on behalf of their own customers, this would not be overly burdensome because the cost would be borne by Northpoint. The customer contact and "free" upgrading involved might well serve to solidify the DBS operators' relationship with their customers. Those companies could minimize burdens on customers by arranging truck rolls on evenings and weekends.

Mr. Schwartzman briefly discussed the importance of awarding a license in this matter without conducting an auction. Were an auction to be ordered, any opportunity for a new and technologically innovative MVPD competitor would be lost.

Sincerely,

Andrew Jay Schwartzman
President/CEO

cc. Monica Shah Desai